United Nations A/C.3/65/SR.18

General Assembly
Sixty-fifth session
Official Records

Distr.: General
2 February 2011
English
Original: French

Third Committee

Summary record of the 18th meeting
Held at Headquarters, New York, on Monday, 18 October 2010, at 10 a.m.

Chair: Mr. Al-Shami (Vice-President) ..... (Yemen)
later: Mr. Tommo Monthe (Chair) ..... (Cameroon)

Contents

Agenda item 64: Promotion and protection of the rights of children (*continued*)

(a) Promotion and protection of the rights of children (*continued*)

(b) Follow-up to the outcome of the special session on children (*continued*)

Agenda item 65: Indigenous issues

(a) Indigenous issues

(b) Second International Decade of the World's Indigenous People

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

10-58865C (E)

In the absence of Mr. Tommo Monthe (Cameroon), Mr. Al-Shami (Yemen), Vice-Chair, took the Chair.

The meeting was called to order at 10.10 a.m.

Agenda item 64: Promotion and protection of the rights of children (*continued*) (A/65/336)

(a) Promotion and protection of the rights of children (*continued*) (A/65/41, A/65/206, A/65/219, A/65/221 and A/65/262)

(b) Follow-up to the outcome of the special session on children (*continued*) (A/65/226)

1. **Mr. AlAjmi** (Kuwait) said that his country attached great importance to promoting and protecting the rights of children; that it was a party to the various international conventions on the subject; and that his country's Constitution viewed the family as the foundation of society and protected women and children against negligence and exploitation. The Ministry of Employment and Social Affairs had, among other measures, set up institutions to protect orphans and children with disabilities. His country had made major progress: in particular, the primary school enrolment rate had attained a level of 100 per cent in 2009, children's access to primary health care had been expanded, and the under-5 mortality rate had fallen to 2 per 1,000. Nonetheless, Kuwait drew attention to the situation of Palestinian children in the occupied territories, and asked the United Nations and the United Nations Children's Fund (UNICEF) to make that issue one of their priorities.

2. **Mr. García González** (El Salvador) said that his Government had stepped up its efforts to strengthen inter-ministerial coordination and communication, with a view to making policies for children and adolescents more effective. Recent initiatives included the adoption of a road map to eliminate child labour by 2020; the creation of a national system of comprehensive protection for children and adolescents, which would come into force in January 2011; the preparation of a workplan to eliminate human trafficking and assist victims; the creation in November 2009 of an inter-agency bureau for street children and an intensification of awareness-raising activities for the prevention of sexual and gender-based violence. The Government was taking steps to involve children and adolescents, both girls and boys, in the preparation of public policies and public governance generally. He also said that the illegal activities of gangs, known as *maras*, remained a very worrying problem from the child rights protection standpoint and the international community and all sectors of society needed to work together to combat it.

3. **Mr. Aryal** (Nepal) said that his country had become a party to various international conventions and protocols on the rights of children, and had passed laws to combat trafficking of children, child labour and sexual exploitation of children. In the case of children affected by armed conflicts, the Government, assisted by the United Nations, had succeeded in demobilizing all minors present in military camps and had reintegrated them into society. It had also adopted a zero-tolerance policy on the recruitment of children. As part of its national plan of action to achieve education for all, the Government was also endeavouring to ensure access to free, compulsory and high-quality primary education for all children, particularly girls, children in difficulty and those belonging to ethnic minorities; and it had implemented several child welfare programmes, specifically targeting street children. In the justice sector, steps had been taken to promote procedures suited to children, make more widespread use of juvenile courts and enhance the legal and institutional framework for the protection and promotion of children's rights. Substantial progress had also been achieved in the health sphere, including an increase in the rate of immunization; the supply of free obstetric health care; free access for women and children to primary health-care services; and the halving of the maternal and under-5 mortality rates between 2000 and 2010.

4. **Mr. Mwanyula** (Malawi) said that his country had made considerable progress in promoting the rights of children, specially thanks to increased funding for ministries responsible for children's issues. The Government was taking steps to decentralize the implementation of policies and programmes for children and young people, to ensure that the resources allocated served the intended purposes and to give communities the tools to deal with children's rights issues at the local level. It was also taking steps to put children's rights at the core of all reforms undertaken in the health, education and other sectors. In July 2010, Malawi had passed a child protection law, which in particular aimed to combat the trafficking and abduction of children, and prohibited other practices such as forced marriage, the pledging of children as

security for loans, child labour and corporal punishment. The Government had also set up victim assistance services involving various social agencies, and it had drafted a child protection policy. In addition, to guarantee the rights of young offenders, juvenile courts had been opened in four of the country's cities in 2008. In a drive to eliminate child labour, the Government had launched a national plan of action to support policies to combat child labour; it had developed a training manual on the subject for police officers, social workers, child labour officers and magistrates. It had also created a national database on cases of child labour; and it had launched a project to prevent and eliminate child labour in the sectors where that phenomenon was most prevalent. Those measures, as a whole, had made it possible to reduce the number of cases to a very small number. Several measures had also been adopted to assist AIDS orphans and children with disabilities, specifically to give them access to education and ensure their well-being and protection.

5. **Ms. Alkhalifa** (Bahrain) said that her country's Constitution protected the family, and therefore also protected children. The Kingdom of Bahrain, which had acceded to the Convention on the Rights of the Child in 1992, guaranteed children the right to life, health, housing, food, education and development, through measures adopted by various ministries. For example, in the health domain, a number of initiatives had made it possible to guarantee access to primary and obstetric health care throughout the Kingdom; to attain a child immunization rate close to 100 per cent; to lower the infant mortality rate to 8 per 1,000 and to extend maternity leave from 45 to 60 days. In the education sector, legislation on free and compulsory education had been implemented, and various education programmes had been designed to support children's physical, intellectual and psychological development. A specialized centre for the protection of children against violence had also been set up under the supervision of the Ministry of Social Development. Visits had been made to remote areas to ascertain the situation of children with specific needs; and numerous activities in favour of children had been undertaken by a variety of institutions, particularly a charity organization founded by the King, which awarded scholarships and rewarded good students.

6. **Mr. El Mkhantar** (Morocco) said that, in cooperation with the United Nations Educational, Scientific and Cultural Organization (UNESCO), Morocco was organizing continuous training activities and periods abroad for both regular and juvenile court judges, to enable them to gain better knowledge of international laws on children's rights and juvenile justice. After ratifying the Convention on the Rights of the Child, his country had adopted new laws and brought its legislation into line with the provisions of the Convention. It had revised the Criminal Code and the Code of Criminal Procedure, which set the age of criminal responsibility at 18 years; and it had organized juvenile courts, strengthened the decree on the protection of abandoned children, and implemented the new Labour Code, which prohibited the employment of children under 15 years of age and strengthened the corresponding criminal sanctions. A national congress on the rights of children, and a children's parliament had been created to promote dialogue and consensus on children's rights. In addition, Morocco had ratified the International Convention on the Protection of the Rights of All Migrant Workers, which guaranteed the right to education of the children of migrant workers; and it had set up a literacy training strategy to eliminate illiteracy by 2015. The school age had been lowered, and education had been made compulsory until 15 years of age. In its efforts to combat juvenile delinquency, the Moroccan Government was endeavouring to improve the living standards of young people by creating jobs in various economic sectors, developing social and cultural activities and taking steps to ensure the social engagement of young people in difficulty.

7. **Ms. Kocharyan** (Armenia), noting that her delegation supported the statement made by the representative of the European Union, said that her country was a party to the main international and European instruments on the rights of children. It had also submitted a combined third and fourth periodic report to the Committee on the Rights of the Child and looked forward to receiving the Committee's recommendations. She welcomed the adoption of the programme of cooperation between her Government and UNICEF for 2010-2015, which would enable Armenia to make progress in the areas of child health, education, nutrition and protection. A memorandum of understanding had also been signed between the Armenian parliament and the UNICEF country office, in which the former had undertaken to strengthen legislation to ensure better protection of the rights of children. The Government was also continuing work to

bring national legislation into line with international norms. Since 2006, Armenia had had a child protection system operating at the national, regional and local levels that implemented its uniform and coordinated national policy for the protection of children's rights and interests.

8. **Mr. Ntwaagae** (Botswana) stressed the key role of education in protecting children against hazardous work and exploitation, particularly sexual exploitation. Over the last few years, his country had made continuous and substantial progress in expanding access to education and improving the quality of basic education; and it had opened new primary and secondary schools. Moreover, investment in education had increased by 4 per cent per year over the past decade. As part of its strategy of excellence for economic diversification and growth, the Government had created the Education Hub, whose mandate covered all levels and all types of teaching, which would assist in setting up centres of excellence in areas where Botswana had a comparative advantage or showed growth potential. In addition, several child protection policies had been adopted or revised, to make it easier for children who had dropped out of school to resume their studies, and gender issues had been mainstreamed in education policies and programmes for children, including vulnerable children. Major improvements had been made in the provision of health services, the fight against HIV/AIDS and in reducing the infant and maternal mortality rates. As many as 90 per cent of the country's children were now completing the full immunization programme by their first birthday, and 89 per cent of zero-positive pregnant women were receiving antiretroviral treatment. Problems persisted nonetheless, and the Government was endeavouring to resolve them through various strategies, including the accelerated strategy for the survival and development of children. Progress had been made possible by the cooperation provided by the country's development partners, and the key role played by civil society and private-sector organizations.

9. **Mr. Garayev** (Azerbaijan) said that his country supported the statement made by the representative of the European Union. Determined to halve the infant and child mortality rates by 2015, Azerbaijan was actively engaged in the task and had made significant progress in that area. The Government continued to monitor the situation of children deprived of parental care; and steps had been taken to remove such children from institutions and return them to their families. In 2009, proclaimed as the "Year of the Child" in Azerbaijan, the Government had adopted a plan of action to take account of the particular needs of deprived and vulnerable children, including through the organization of special events to more effectively publicize children's rights and encourage children to express their talent. Despite its determination to build on the progress already achieved and make further progress on child protection, Azerbaijan continued to face major difficulties, basically stemming from the long-standing conflict with Armenia and its disastrous consequences. The proportion of refugees and displaced persons in Azerbaijan, including many children, was among the highest in the world. Many children had grown up in camps or in crowded temporary shelters. The Government was taking active steps to resolve the problem of housing for refugees and displaced persons, but its actions continued to be hindered by the conflict. In view of the persistent problems and new obstacles faced by child protection, Azerbaijan supported strengthening cooperation and information exchange on the cross-border aspects of child protection, the guiding principles relating to rights and guarantees for displaced children, and the inclusion of child protection in the mandates of United Nations peace, peacebuilding and political missions, as well as in peace processes and accords. On the issue of children taken hostage or abducted in armed conflicts, Azerbaijan noted that Member States were required to take appropriate steps to search for children, identify them and reunite them with their families.

10. **Mr. Füllemann** (Observer for the International Committee of the Red Cross (ICRC)) noted that conflicts were a major hindrance to access to primary school, better maternal health and reducing the infant mortality rate; and much remained to be done to protect children and preserve their welfare in conflict situations. While children were too often the victims of direct and serious violations of international human rights law — murders, mutilations, sexual violence and recruitment by armed groups — they also suffered the indirect effects of conflicts, which deprived them of health care, food and water, and caused more harm than bullets and bombs. Most of the suffering endured by children in periods of conflict could be avoided if all belligerent parties strictly respected international humanitarian law, which provided that civilians should be treated with humanity, prohibited murder, torture

and other cruel treatments as well as forced disappearances, and also outlawed direct attacks on civilian people and property. Member States, who were all parties to the Geneva Conventions, should continue to be concerned about the fate of children affected by armed conflicts, and they should monitor children's development and protection in all circumstances, including situations of extreme danger. ICRC also pointed out the importance of medical activities not being obstructed in a period of conflict and of medical personnel and facilities not being targeted. He urged Member States to ratify and implement the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and noted that each State bore primary responsibility for ensuring that the rights of all children present in their territory were respected at all times, including in times of conflict.

11. **Mr. Karageorgiades** (Observer for the Sovereign Military Order of Malta) considered that additional efforts would be needed to attain goal 4 of the Millennium Development Goals, which was to reduce the under-5 mortality rate by two thirds by 2015. In some disaster-stricken South Asian and sub-Saharan African countries, 1 child in 10 died before their fifth birthday. That alarming figure was mainly the result of diseases that could be prevented and treated at low cost. The Order of Malta had set up programmes for the prevention of mother-to-child HIV transmission in several countries, with good results; and it intended to expand them. Its malaria and tuberculosis prevention and treatment programmes were also well known. Given that many child deaths were related to maternal and child malnutrition, in some countries the Order of Malta had targeted its maternal and infant health programmes on nutrition: it was building awareness-raising of the importance of adequate nutrition; it was giving women the means to cultivate vegetable gardens; it was operating nutrition centres for undernourished and malnourished children; and, in cooperation with the Food and Agriculture Organization of the United Nations (FAO), UNICEF and the World Food Programme (WFP), it was distributing seeds and small livestock to families. The Order of Malta believed that poverty was not only a cause but also a consequence of the poor status given to children by societies that ignored and failed to protect their fundamental rights. Economic and social difficulties could only aggravate the problem. Children should be given the chance to participate fully in the life of society, develop their personality, and nurture their talents and their physical and mental abilities. Noting that the health of a baby depended on the health of its mother, and that 99 per cent of maternal deaths occurred in low-income countries, the representative of the Order of Malta said that his organization continued to provide neonatal health services in one of the world's main areas of conflict. The Holy Family Hospital in Bethlehem provided intensive neonatal care to premature babies, for all patients regardless of national origin, religion or income level.

12. *Mr. Tommo Monthe (Cameroon), Chair, took the Chair.*

13. **Ms. Gastaldo** (Observer for the International Labour Organization (ILO)), referring to the recent ILO global report on child labour, said that progress in eliminating that scourge had been slowing down worldwide. The best results had been achieved in relation to the most vulnerable children and the worst forms of labour. While child labour among girls had fallen sharply, it was rising among boys. The Roadmap for Achieving the Elimination of the Worst Forms of Child Labour by 2016, adopted by the Hague Global Child Labour Conference, strengthened the commitment made by Member States that had ratified ILO Convention No. 182. The outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals, with the same purpose, called for a strengthening of cooperation and international assistance on social and economic development, poverty eradication and universal education, thus recognizing the link between the suppression of child labour and achievement of the Millennium Development Goals. As child labour had its roots in poverty, it was important to provide adults with decent work opportunities in order to effectively tackle that phenomenon. As for the situation of girls employed in domestic service, that form of work, which not all countries recognized as potentially hazardous, could nonetheless in its extreme form be tantamount to violence. To remedy the situation, new international labour standards needed to be adopted to strengthen existing regulations on the legal minimum age and the worst forms of child labour. With regard to children and armed conflicts, working-age children should be offered sustainable means of subsistence in order to prevent their recruitment by armed groups and to reintegrate them into society. Accordingly, ILO was endeavouring to strengthen the economic component of

its reintegration programmes and spread its know-how on vocational training and assistance for employment more widely. Lastly, ILO believed that the economic crisis could not be used as an excuse to relax efforts and abandon to their fate children who were being forced to work to survive.

Agenda item 65: Indigenous issues

(a) Indigenous issues (A/65/163 and A/65/264)

(b) Second International Decade of the World's Indigenous People (A/65/166)

14. **Ms. Mayanja** (Assistant Secretary-General for Economic and Social Affairs and Special Adviser on Gender Issues and Advancement of Women) stressed the timeliness of the theme of the most recent International Bay of the World's Indigenous People, which had focused on the cultural wealth of indigenous peoples. Through various events organized around the world, it raised public awareness of indigenous issues. Presenting the main conclusions of the mid-term evaluation of the Second International Decade of the World's Indigenous People, she said that its main achievement had been the adoption of the Declaration on the Rights of Indigenous Peoples, by the General Assembly in 2007. The Declaration had become the national and international benchmark on the subject, and had even led certain countries to change their constitution or recognize the existence of indigenous peoples. Intergovernmental organizations had designed policies and guidelines to ensure indigenous issues were integrated into their development projects. Some Member States had introduced specific programmes to address the problem of social and economic exclusion of indigenous communities; and in some countries consultative bodies had been created and indigenous populations had been able to form their own political parties. At the current rate of progress, however, it was feared that several of the Decade's objectives would not be achieved. In fact, very few Member States had officially recognized the existence of their indigenous communities, and even fewer had granted them the constitutional protection necessary to guarantee their rights. In countries where the existence of indigenous communities was recognized, their level of political representation was very level. Governments needed to intensify their efforts and ensure national implementation of international reference frameworks such as the United Nations Declaration on the Rights of Indigenous Peoples. Moreover, indigenous peoples needed to participate actively in poverty reduction strategies and themselves become agents for change; development projects should no longer lead, in the name of progress, to the displacement of those peoples and contempt for their right to self-determination. The recommendations resulting from the mid-term evaluation should guide Governments in boosting their efforts to guarantee equal rights for those peoples, improve their economic and social situation and preserve their cultural identity.

15. **Mr. Radcliffe** (Office of the United Nations High Commissioner for Human Rights (OHCHR)), presenting the report of the United Nations High Commissioner for Human Rights on the status of the United Nations Voluntary Fund for Indigenous Populations (A/65/163), said that having reviewed applications for grants at its 22nd session in March 2009, the Board of Trustees had recommended making 111 grants totalling around $412,022, to enable representatives of indigenous peoples to attend the eighth session of the Permanent Forum on Indigenous Issues and the second session of the Expert Mechanism on the Rights of Indigenous Peoples; and at its 23rd session in February 2010, it had recommended 101 grants for a total of around $412,524, to enable indigenous representatives to attend the ninth session of the Permanent Forum and the third session of the Expert Mechanism.

16. **Mr. Anaya** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), presenting his report (A/65/264), said that he had undertaken activities within four major areas. The first had consisted of promoting good practices; and in that context he had advocated on behalf of the United Nations Declaration on the Rights of Indigenous Peoples with States that had not originally voted in its favour when it had been adopted by the General Assembly. Although more and more States supported the principles expressed in the Declaration, it was essential that those principles were put into practice. For that purpose, the Special Rapporteur had, in particular, provided technical assistance to Ecuador as part of an initiative supported by OHCHR to coordinate the indigenous custom-based legal system with the State justice system. Similarly, in Colombia, he had helped to implement procedures for consulting indigenous peoples as part of a joint project between OHCHR and the Ministry of Interior and Justice of that country.

17. The Special Rapporteur's second major sphere of work related to communications: commissioned by

OHCHR to look into reports of alleged violations of the rights of indigenous peoples and make recommendations on the subject, he had received messages on a daily basis from indigenous representatives denouncing cases of expropriation, decisions made without consultation that had entailed major upheavals for their community, and cases of violence, sometimes fatal, including acts perpetrated against children. Such reports demonstrated the existence of systematic violations of the rights of indigenous peoples throughout the world, and the need for coordinated action. Most of the Governments contacted in relation to those allegations had provided replies and, in some cases, taken corrective measures. In some situations, the Special Rapporteur had made detailed comments and recommendations or had visited the country in question — such as Guatemala, where he had investigated the problems associated with the Marlin goldmine. In that regard, he thanked the Guatemalan Government and Mayan peoples for having collaborated fully with his work; he would soon be completing his report on that issue.

18. His third major sphere of work consisted of making a general assessment of the situation of indigenous peoples in certain countries. During the year he had produced reports on Botswana, Australia, the Russian Federation, Colombia and Ecuador, and he was about to publish reports on New Zealand, the Sápmi region in Finland, Norway and Sweden.

19. Lastly, his fourth area of work consisted of studying cross-cutting issues of interest to all indigenous peoples, including the responsibility of private enterprises in relation to the rights of those peoples. On the issue of development and the preservation of cultural identity, his annual report to the Permanent Forum had noted that development was a right of all peoples, including indigenous peoples, and that development initiatives in their favour should take account of the extreme inequalities from which they suffered, their historical exclusion from Government decision-making and their desire to maintain and pass on their cultural heritage to future generations. Indigenous peoples should be fully engaged in the development process, and indigenous institutions should be strengthened for that purpose. He had noted, at the most recent session of the Expert Mechanism that indigenous peoples' right to participation included participating in the life of the State, in public decision-making affecting them, and in decisions taken in the international arena, as well as having autonomous institutions.

20. In conclusion, there was a need to adopt concrete and concerted measures to implement the United Nations Declaration on the Rights of Indigenous Peoples. Irrespective of whether the Declaration was a legally binding instrument, it should be regarded as an absolute political and moral imperative. Some States had already begun to take concrete steps to implement it, sometimes with assistance from the United Nations or from international cooperation programmes; and it was important that those initiatives were developed and generated an exchange of experiences.

21 **Ms. Taracena Secaira** (Guatemala) thanked the Special Rapporteur for his visit to her country, and asked for his advice on reconciling the interests of States and their indigenous peoples with regard to the exploitation of mining resources.

22. **Mr. Eggleston** (Australia), taking note of the Special Rapporteur's approving comments on the efforts made by Australia to reduce inequalities among members of indigenous communities and the rest of the population, said that, following appearance of the Special Rapporteur's report on Australia, the authorities had revived implementation of the Racial Discrimination Act in the framework of the Northern Territory Emergency Response in view of the very large number of cases of violence against women and maltreatment and negligence towards children. It had also introduced other amendments to the Response following wide-ranging consultations with the indigenous peoples. Women, children and the elderly now claimed to feel safer, thanks particularly to a stronger police presence. He asked for the Special Rapporteur's opinion on the measures adopted and advice regarding better ways of ensuring safety for women and children.

23. **Mr. Mamdouhi** (Islamic Republic of Iran) wondered what the Special Rapporteur intended to do to promote good practices to strengthen commitments in favour of indigenous communities. Noting that the Special Rapporteur's activities relied essentially on funding agreed upon by a few large donors, he asked whether that was hindering those activities, since some of the donors were implicated in violations of indigenous rights. He also wanted to know how the Special Rapporteur's work related to that of the Expert Mechanism on the Rights of Indigenous Peoples, what

the main obstacles to fulfilling his mandate were, and how he collaborated with other special rapporteurs.

24. **Mr. De León Huerta** (Mexico) asked the Special Rapporteur how the additional political support needed to fully implement the Declaration could be generated; and, in particular, how to ensure that the different components of the United Nations system firmly supported the efforts that he and other entities responsible for indigenous issues were making to promote the Declaration.

25. **Mr. Giaufret** (Observer for the European Union) said that the Special Rapporteur's report argued that development programmes aiming to improve the economic and social situation of indigenous people should also ensure respect for their cultural identity; and he asked the Special Rapporteur to suggest areas where Governments should take steps to reconcile those two objectives and indicate the best ways of effectively implementing the right to participation of indigenous peoples.

26. **Mr. Anaya** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people), in response to the question raised by the representative of Guatemala, said that reconciling indigenous and State interests on the exploitation of natural resources required defining precise consultation procedures. It was then also necessary to build trust between the Government, mining companies and indigenous communities in relation to projects to develop natural resources. Having suffered as victims of expropriations and violence, indigenous communities were opposed to all exploitation of such resources on their lands, so they should also be informed about various aspects of the mining industry. In reply to the issue raised by the representative of Australia, he welcomed the fact that progress had been made on the security plan and in overcoming various social problems; but he stressed that simple narrative accounts were not sufficient, and accurate data on the improvements were needed. There was also a need to involve indigenous women more effectively in official programmes to improve their situation and that of their children. Replying to the representative of the Islamic Republic of Iran, he said that his report mentioned the actions he had taken to promote good practices, by advising Governments on the administrative, legal and sometimes constitutional reforms to be introduced. His main difficulties stemmed from the scope of his mandate and the problems of indigenous people, since he lacked resources and would need more assistance from other entities in the United Nations system. He was cooperating fully with the Expert Mechanism on thematic studies, while avoiding overlaps. Similarly, he was cooperating with other special procedure mandate holders, and in November would participate in a joint seminar on the subject of indigenous peoples' land. Replying to the Mexican representative, he said he was well aware that the mere existence of the Declaration was not sufficient, and that most members of indigenous communities had no knowledge of it. The Declaration needed to be translated into practical actions, which required firm political will at all levels of government and within the United Nations system as a whole. Replying to the Observer for the European Union, he said that while development projects aimed at improving the lot of indigenous peoples were good in themselves, the people concerned definitely needed to be involved in them from the programme conception stage, since a poorly designed programme was doomed to failure. Moreover, such projects should not only aim to redress a specific development indicator of the State but should form part of a global process to improve the lot of indigenous peoples and respect their cultural identity.

27. **Ms. Boutin** (Canada) said that, as her country held a different opinion on the nature of the United Nations Declaration on the Rights of Indigenous Peoples, she would comment mainly on the practical elements of the Special Rapporteur's report (A/65/264). She welcomed its major focus on development projects aimed particularly at serving the interests of indigenous peoples, strengthening their self-determination in development processes and their participation in decision-making; and she hoped that it would lead to an improvement of the situation in those areas worldwide. Although problems persisted, Canada considered progress had been made in numerous areas, and that a more complete study of best practices, possibly based on case studies or specific policies, processes and projects, would be very useful in helping all stakeholders to overcome those problems. In view of initiatives undertaken by other bodies, particularly the study on the participation of indigenous people currently being conducted by the Expert Mechanism, she asked whether the Special Rapporteur intended to focus his future work on practical measures and models for participation.

28. **Ms. Rubiales de Chamorro** (Nicaragua) agreed with the Special Rapporteur that the key issue was not to know whether or not the United Nations Declaration on the Rights of Indigenous Peoples was legally binding, but to mobilize the political will needed to implement it. Governments around the world had a duty to do everything necessary to achieve that implementation. Nicaragua had been working for many years to give indigenous peoples and African descendants their rights. Her Government was aware that education was one of the pillars of development and that it was important to apply article 3 of the United Nations Declaration on the Rights of Indigenous Peoples by offering those populations education in their own language. She asked whether the Special Rapporteur could suggest measures to help Nicaragua implement an education process for all of its indigenous and Afro-descendant population groups, and what specific contribution the local offices of the United Nations Development Programme (UNDP) could make to that process.

29. **Mr. Ntwaagae** (Botswana) thanked the Special Rapporteur for the report he had submitted to the Human Rights Council in 2009, following his stay in Botswana. On the subject of the right of indigenous people to development and the preservation of their culture and identity, he asked the Special Rapporteur whether there were specific examples of education, training and skill development programmes targeting indigenous population groups whose implementation had not affected their way of life and culture. He also asked the Special Rapporteur what measures could be adopted to ensure that non-government actors respected the need to allow indigenous peoples to extend their participation in decision-making on issues relating to their well-being and development.

30. **Mr. Mamani Machaca** (Bolivia) said the discussions that took place at the ninth session of the Permanent Forum had stressed the principle of "living well" in harmony with nature, and he asked the Special Rapporteur how that principle could be taken into account in the work of the United Nations system and in achieving the objectives of the Second International Decade of the World's Indigenous People and the Millennium Development Goals. He also stressed that indigenous people had always claimed their right to participate both nationally and internationally, particularly in United Nations conferences.

31. **Mr. Séllos** (Brazil) said that his country urged the Special Rapporteur to continue to publicize good practices in terms of promoting and protecting the rights of indigenous peoples and mobilizing stakeholders capable of supporting that dissemination work institutionally or financially. He also suggested that the Special Rapporteur could conduct a thematic study on the situation of isolated indigenous peoples, and assured him of Brazil's support for such an undertaking. Brazil supported the work being done by the Special Rapporteur to specify the regulatory framework governing business and State responsibility for the rights of indigenous people; and he stressed the need to strengthen Government capacity to guarantee indigenous people the exercise of their rights.

32. **Ms. Razzouk** (United States of America) asked the Special Rapporteur what specific measures could be deployed to take better account of the views of indigenous peoples when examining the major development objectives aimed at improving the living conditions both of indigenous peoples and the population at large.

33. **Mr. Anaya** (Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people) took note of the fact that Canada held a different opinion from his on the United Nations Declaration on the Rights of Indigenous Peoples, but he agreed that the Declaration needed to be implemented and it was essential for efforts be deployed to that end. Moreover, it was extremely important that Governments, in cooperation with indigenous peoples, started preparing models for participation by indigenous peoples in the development process, and the United Nations system should encourage them to do so. In reply to the representative of Botswana, the Special Rapporteur regretted that he was unaware of any example of entirely satisfactory participation by indigenous peoples in the development process; strengthening their participation was precisely the challenge that now needed to be addressed. In many countries, indigenous populations had themselves taken responsibility for development processes and, as both stakeholders and beneficiaries, designed, developed and implemented the development projects that concerned them, thus progressively strengthening their autonomy. That was the model to be followed and indigenous peoples had approved it. In other words, cooperation and participation by the Government, non-government stakeholders and the

United Nations system was still always necessary. It was also inevitable that development projects serving the interests of indigenous people would have effects on indigenous ways of life and cultures; and the aim was not necessarily to avoid such influence. What was important was that indigenous people were full partners and exercised control over the development initiatives concerning them, so that they themselves could determine the effects that development processes would have on their culture and way of life.

34. Replying to the representative of Nicaragua, the Special Rapporteur said that he agreed that indigenous populations needed to be educated on their rights, without forgetting that indigenous people themselves were best placed to provide such education. In Nicaragua, as in other countries, there were many indigenous organizations capable of transmitting knowledge on the rights of indigenous peoples, international mechanisms and the United Nations Declaration on the Rights of Indigenous Peoples; but those organizations needed support from the Government and the United Nations system. In the framework of several initiatives, UNDP had already provided support for education projects in favour of indigenous populations and for capacity-building among civil servants responsible for indigenous issues. It was also important to strengthen civil servants' knowledge of the rights of indigenous peoples since it was they who dealt, at the local level, with issues relating to natural resources, land, culture or education. Accordingly they needed to have a thorough knowledge of those rights and know how to systematically integrate them into their daily work, since the daily application of the United Nations Declaration on the Rights of Indigenous Peoples depended on them. Although very few had actually done so, Governments had a duty to prepare programmes aimed specifically at raising awareness among civil servants of the rights of indigenous peoples and the United Nations Declaration on the Rights of Indigenous Peoples, and to encourage the adoption of strategies to implement those rights.

35. The Special Rapporteur thanked the representative of Bolivia for having mentioned the need to integrate the principle of harmony with nature when considering the rights of indigenous peoples; and he believed that principle was a very important contribution made by indigenous peoples, thanks to which there was now a greater awareness that human rights should be framed by a philosophy of respect for nature.

36. Responding to the issue raised by the representative of Brazil, the Special Rapporteur said that the problem of isolated indigenous peoples was indeed very important and he intended to study it in the future. OHCHR had already undertaken a regional initiative on the subject, in which Brazil had also participated.

37. Referring to the issue of corporate responsibility in terms of respect for human rights, which was similar to the issue raised by Botswana on non-State actors, he noted that the activities of such agents could have a direct impact on the rights of indigenous peoples, and the mining industry was a good example of that. He had tried to provide guidelines on the foundations of corporate responsibility, without losing sight of the fact that Governments also had a role to play in ensuring that companies respected indigenous rights. Companies frequently held consultations with indigenous peoples, but often in an inadequate way. Nonetheless, Governments were responsible for holding such consultations; and, if they delegated responsibility to companies, they could play an oversight role and ensure indigenous people's rights were respected.

38. The Special Rapporteur agreed with the representative of the United States on the need to adopt practical measures to include indigenous peoples in decisions affecting them, at all levels. The current situation was the result of centuries of exclusion of indigenous peoples from decision-making processes and a failure to recognize their existence. Concerted and determined efforts needed to be made, with support from the United Nations system, to eliminate exclusion schemes that had prevented indigenous peoples from becoming the masters of their own destiny, and exercising the same rights and privileges as the rest of the population. The adoption in 2008 of the United Nations Declaration on the Rights of Indigenous Peoples, and the fact that it had gained near-universal support, was certainly to be welcomed; but what was crucial now was less a question of recognizing those rights than guaranteeing their exercise.

The meeting rose at 1 p.m.